

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SARAH MONTOYA o/b/o  
L.M. a minor child,**

**Plaintiff,**

**vs.**

**Case No. 1:21-CV-00648**

**RIO RANCHO PUBLIC SCHOOLS,  
BOARD OF EDUCATION and  
GEORGE ARCHULETA in his  
individual capacity,**

**Defendants.**

**NOTICE OF REMOVAL**

Defendant George Archuleta, by and through counsel Quiñones Law Firm LLC (Carlos M. Quiñones, Esq.), states:

1. Pursuant to 28 U.S.C. §§ 1331, 1441, 1443, and 1446, Defendant George Archuleta herein exercises his rights to remove this action from the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico, where this case is now pending by the name and style of *Sarah Montoya o/b/o L.M. a minor child v. Rio Rancho Public Schools, Board of Education and George Archuleta in his individual capacity*, Case No. D-1329-CV-2021-00923. Plaintiff's action arises, in part, out of alleged violations of Plaintiff's rights pursuant to 42 U.S.C. § 1983.

2. This Court has original jurisdiction as provided in 28 U.S.C. § 1331 in that the cause arises under the Constitution and laws of the United States brought pursuant to 42 U.S.C. § 1983. *See, e.g.*, Complaint at Count I (Violation of 42 U.S.C. Sec. 1983, Illegal Search and Seizure under the Fourth Amendment against Defendant Archuleta in his Individual Capacity) (Complaint ¶¶ 20-29).

3. Further, the removing Defendant states this Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over the state law claims since said claims are so related to the federal law claims that they form part of the same case and controversy under Article III of the United States Constitution.

4. On June 16, 2021, counsel for Defendant Archuleta accepted service of the Summons, Complaint and Jury Demand, Complaint attached hereto as Exhibit A, Summons attached hereto as Exhibit B, and Jury Demand attached hereto as Exhibit C.

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b).

6. Non-removing Defendant Rio Rancho Public Schools, Board of Education consent to the removal of this action as shown by the attached consent signed by their counsel. *See* Exhibit D.

7. Therefore, there is unanimity of all Defendants consenting to this removal.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal has been given to all adverse parties and an endorsed copy will be filed contemporaneously with the Clerk of the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico.

10. Removing Defendant is also attaching a copy of the [www.nmcourts.gov](http://www.nmcourts.gov) court docket as of July 15, 2021. *See* Exhibit E.

11. Pursuant to D.N.M. LR-Civ. 81.1(a), copies of all other records and proceedings from the state court action, if any, will be submitted within twenty-eight (28) calendar days of the filing of this Notice of Removal.

WHEREFORE, the removing Defendant respectfully requests this Court to remove this action from the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico to the United States District Court for the District of New Mexico.

Respectfully submitted:

**QUIÑONES LAW FIRM LLC**

/s/ Carlos M. Quiñones

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*Attorney for Defendant George Archuleta*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing was served to the following counsel of record via email this 15<sup>th</sup> day of July 2021:

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